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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,742	01/26/2004	Eric Justin Gould Bear	MSFT-3473/304031.02	1104

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT PAPER NUMBER

2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/765,742	BEAR ET AL.	
	Examiner	Art Unit	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/17/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Applicant is advised that should claims 7, 25, 43 and 61 be found allowable, claims 18, 36, 54 and 72 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 12-15, 17-26, 30-33, 35-44, 48-51, 53-62, 66-69, and 71-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Chew et al. ("Chew", US 2004/0001105).

As per claim 1, Chew teaches a user interface system, said system comprising a plurality of logical buttons and their physical equivalents, wherein said physical equivalents are arranged symmetrically (Fig.4, *physical buttons 404, 418, 406*), and wherein said physical equivalents map to a corresponding plurality of logical buttons that are asymmetrical (Fig.4, *logical buttons 410*).

As per claim 2, Chew teaches the user interface system wherein a subset of the logical buttons and their physical equivalents are arranged on a horizontal axis (horizontally) (Fig.4, *buttons 404, 418, and right/left arrows 406*) and a subset of the logical buttons and their physical equivalents are arranged on a vertical axis (vertically) (Fig.4, *up/down arrows 406 and vertical "Other" buttons*).

As per claim 3, Chew teaches the user interface system wherein: said physical equivalents arranged horizontally correspond to logical buttons for horizontal movement (Fig.4, *right/left arrows 406*); and wherein said physical equivalents arranged vertically do not correspond to logical buttons for vertical movement (Fig.4, *vertical "Other" buttons are not for movement*; para.0040).

As per claim 4, Chew teaches the user interface system wherein: said physical equivalents arranged vertically correspond to logical buttons for vertical movement (Fig.4, *up/down arrows 406*); and said physical equivalents arranged horizontally do not correspond to logical buttons for horizontal movement (Fig.4, *buttons 404 and 418 are not for movement*).

As per claim 5, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a four-button diamond arrangement (Fig.4, *buttons 406*).

As per claim 6, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise an eight-button compass arrangement (Fig.4, *buttons 406*; para.0045).

As per claim 7, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a D-Pad (Fig.4, *D-pad 406*).

As per claim 8, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise at least two pairs of physical buttons (Fig.4, *buttons 406 comprise of two pairs*).

As per claim 12, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise two buttons (Fig.4, *buttons 404 and 418*) and a dogbone (para.0033; Fig.4, *dogbone 406*).

As per claim 13, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a rocking dogbone (para.0033; Fig.4, *rocking dogbone 406*).

As per claim 14, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a super dogbone (para.0033; Fig.4, *super dogbone 406*).

As per claim 15, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a plurality of discrete button pairs (Fig.4, *pairs 404 & 418, 406, and vertical "Other" button pair*).

As per claim 17, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a touchpad (para.0033, lines 11-13).

Claim 18 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Claims 19-26, 37-44, and 55-62 are individually similar in scope to claims 1-8 respectively, and are therefore rejected under similar rationale.

Claims 30-33, 48-51 and 66-69 are individually similar in scope to claims 12-15 respectively, and are therefore rejected under similar rationale.

Claims 35-36, 53-54 and 71-72 are individually similar in scope to claims 17-18 respectively, and are therefore rejected under similar rationale.

Claim 73 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11, 27-29, 45-47 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chew et al. ("Chew", US 2004/0001105) in view of McLoone et al. ("McLoone", US 6,556,150).

As per claim 9, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons. However, Chew does not teach the physical equivalents to comprise of a wheel. McLoone teaches a system comprising a plurality of logical buttons and their physical equivalents to comprise of a wheel (McLoone, Fig.4, *buttons 28 and 30, wheel 34*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include McLoone's teaching with Chew's system as an alternative means of manipulating data on a display.

As per claim 10, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons. However, Chew does not teach the physical equivalents to comprise of a rocking wheel. McLoone teaches a system comprising a plurality of logical buttons and their physical equivalents to comprise of a rocking wheel (McLoone, col.4, lines 43-48; Fig.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to include McLoone's teaching with Chew's system as an alternative means of manipulating data on a display.

As per claim 11, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons. However, Chew does not teach the physical equivalents to comprise of a super wheel. McLoone teaches a system comprising a plurality of logical buttons and their physical equivalents to comprise of a super wheel (McLoone, Fig.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to include McLoone's teaching with Chew's system as an alternative means of manipulating data on a display.

Claims 27-29, 45-47 and 63-65 are individually similar in scope to claims 9-11 respectively, and are therefore rejected under similar rationale.

6. Claims 16, 34, 52 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chew et al. ("Chew", US 2004/0001105) in view of Chu (US 6,703,550).

As per claim 16, Chew teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a button pad. However, Chew does not teach the physical equivalents to comprise of a joystick. Chu teaches a system comprising a plurality of logical buttons and their physical equivalents to

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be a joystick (Chu, Fig.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Chu's teaching with Chew's system as an alternative means of manipulating data on a display.

Claims 34, 52, and 70 are similar in scope to claim 16, and are therefore rejected under similar rationale.

Communications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah
Patent Examiner
Art Unit 2174

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